

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**AUGUSTINE GUTIERREZ, et al.,**

**Plaintiffs,**

**vs.**

**No. CIV-08-0990 KBM/LAM**

**BOARD OF COMMISSIONERS OF THE  
COUNTY OF EDDY, et al.,**

**Defendants.**

**ORDER GRANTING IN PART AND DENYING IN PART UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO FILE CLOSING DOCUMENTS (Doc. 201)**

**THIS MATTER** is before the Court on the parties' *Unopposed Motion for Extension of Time to File Closing Documents (Doc. 201)*, filed April 29, 2010. The parties ask the Court to extend the deadline to submit closing documents to May 7, 2010 because the parties state that they "are still in the process of finalizing language to be placed in the final settlement document." *Doc. 210* at 1. Because the settlement in this case involves minor children, the Court must approve the settlement agreement. At the status conference held February 18, 2010, the Court explained to the parties that they must have a signed settlement agreement before they file a motion asking the Court to approve the settlement and before they file a motion to appoint a *guardian ad litem* for purposes of the settlement. *Clerk's Minutes (Doc. 194)* at 2. On March 12, 2010, Plaintiffs filed their *Motion to Approve Settlement on Behalf of Minors (Doc. 195)* and a *Stipulated Motion for the Appointment of a Guardian Ad Litem (Doc. 196)*, which was granted on March 22, 2010 (*see Doc. 199*). The Court is concerned that the parties now state that they are still finalizing language for the final settlement document because that document was to have been finalized and signed *before* they filed a motion for the Court to approve it. The Court, therefore, directs the parties to finalize the settlement agreement in this case immediately, and to ensure that the *guardian ad litem*

appointed in this case receives a copy of the finalized settlement agreement so that he can make his report to the Court. The Court reminds the parties that as soon as the *guardian ad litem* submits his report to the Court, the Court will set a hearing on the ***Motion to Approve Settlement on Behalf of Minors*** (Doc. 195) and, after that hearing, will prepare a proposed findings and recommended disposition regarding the settlement for the presiding judge in this case. While the undersigned set a deadline for closing documents in this case for April 12, 2010 (*see Doc. 192*), because this case is not ready for closing documents to be submitted, the Court will re-set that deadline at a later date. The Court therefore **FINDS** that this motion will be **GRANTED** to the extent the parties ask for an extension of time to file closing documents. However, the motion will be **DENIED** as to setting that date for May 7, 2010, because the closing documents should not be filed until after the proposed findings and recommended disposition on the ***Motion to Approve Settlement on Behalf of Minors*** (Doc. 195) is adopted by the presiding judge. The Court will enter an order setting a deadline for closing documents at that time.

**IT IS THEREFORE HEREBY ORDERED THAT** the parties' *Unopposed Motion for Extension of Time to File Closing Documents* (Doc. 201) is **GRANTED in part** and **DENIED in part**, and that the Court will enter an order setting a deadline for closing documents at a later date.

**IT IS FURTHER ORDERED THAT** the parties finalize the settlement agreement in this case as soon as possible and provide a copy of that agreement to the appointed *guardian ad litem*. The Court will set a hearing on the ***Motion to Approve Settlement on Behalf of Minors*** (Doc. 195) as soon as it receives the *guardian ad litem's* report.

**IT IS SO ORDERED.**

  
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**LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**